

Office of Legislative Oversight

Item 10 (e)

Our procedures for reviewing plans are not written down nor do we have any checklists or training materials that define and address staff review of plans. In general, supervisors are responsible for training new staff, and staff for each section meet weekly to discuss assignment of cases, scheduling, and issues encountered.

A written protocol regarding communication between DRD staff and other divisions is attached. (Packager Protocol)

PACKAGER PROTOCOL

Guidelines for the preparation of staff reports to the Montgomery County Planning Board

DEFINITION OF PACKAGER:

A staff person designated to lead a project that involves other divisions. The packager is required to draw appropriately on the services of staff in other divisions. These services not only bring appropriate specialized analysis but also bring with them perspectives which may differ from that of the packager. The packager is responsible for (a) delivering the work projects on time, (b) reaching out to obtain the necessary services from other divisions, (c) identifying community concerns and explaining how they are addressed, and (d) properly integrating and evaluating the different perspectives.

THE JOB OF A PACKAGER:

(1) To develop a technically sound, unified staff position through thorough evaluation of the alternatives, negotiation, and compromise to present to the Planning Board. This is an important goal and should be achieved in nearly every case. The memo to the Planning Board should include a discussion of the alternatives considered and the compromises that were made, as well as arguments against the staff recommendation, not simply those in favor. The staff report should also attempt to anticipate issues that might be raised by citizens or the applicant and discuss how those issues were addressed in developing the staff recommendation.

(2) To develop a recommendation to the Planning Board based on a thorough and fair analysis of competing viewpoints when a unified staff position is not achievable. In those instances, the report presented to the Planning Board should include not only the packager recommendation but also a discussion of the competing recommendation so that the Planning Board members can analyze the issues and arrive at their own conclusions.

PRINCIPLES

- ◆ Input from all staff members assigned to work on the project should be carefully considered.
- ◆ Staff members assigned to work on the project should attend all meetings, including pre-DRC and DRC meetings.
- ◆ All staff should deal with each other openly and honestly and practice a collegial approach to packaging staff reports.
- ◆ All staff are expected to meet deadlines.

PROCEDURES

- ◆ *Types of projects to be packaged:*

Master Plan issues and regulatory items (preliminary plans, site plans, project plans, development plans, supplementary plans, special exceptions, text amendments, local amendments, mandatory referrals, etc.) should be referred to other relevant divisions for review as soon as possible after submission. Other documents such as reviews of project planning studies, letters, information requests, legislation, Water and Sewer Plan amendments, etc., will also follow this process when there are inter-divisional issues.

◆ *Transmittal to other divisions:*

The transmittal should indicate the nature of the desired review, deadline for comments, the format of the comments (freestanding memo, component of report being prepared by packager, etc.), and the forum for gathering comments (Subdivision Review Committee, staff meeting, report to Planning Board, etc.).

◆ *Setting response deadlines:*

The deadline for submitting comments should be established consistent with the review process involved and should allow time for discussion prior to the final meeting or report, especially if conflicting opinions are anticipated.

◆ *Meeting response deadlines:*

Non-packager divisions are expected to reply by the stated deadline even if they have no comments. The packager will attempt to follow up if no response is received by the deadline date. If the packager is unable to follow up in the time available, he/she may assume that no response means no comment. The packager is responsible for notifying other divisions when deadlines change, including extensions.

◆ *Response format:*

Non-packager divisions should respond in writing or by email even if there are no comments. Responses should be hand-delivered when a quick turnaround is critical. When possible, comments should be arrayed in priority to indicate which elements are critical, in the view of the commenting division, and which are only suggestions.

◆ *Response content:*

Each division should focus on its area of expertise. The response is assumed to represent the position of the non-packager division and should be signed by either the chief or an appropriate supervisor. The response should take into consideration the nature and stage of the review process and provide appropriate comments for that type of review.

◆ *Developing comments and recommendations:*

Staff are expected to develop informed, independent findings. Staff are encouraged to meet with the staff from other agencies, citizens, applicant, etc., to attempt to understand issues and develop objective professional judgment. However, staff are not obligated to meet jointly with opposing citizen groups or jointly with citizens and the applicant.

◆ *Synthesizing recommendations:*

Once the packager receives comments from the other divisions, he/she should review them as quickly as possible to determine if a consistent set of recommendations can be developed. If there do not appear to be any major conflicts, no further discussions are necessary. If there are possible substantive conflicts, the packager will set up a meeting with the staff of the relevant divisions to discuss the conflicting views. This communication will continue until a consensus is achieved or a staff report is sent to the Planning Board.

♦ *Communicating revisions:*

Any major changes negotiated by the packager with the applicant should be communicated back to other relevant divisions. If this is not possible due to time constraints, the changes must be highlighted in the staff report.

♦ *Staff report without consensus:*

In situations where the packager knows that there is not a consensus among staff and the project is to be presented at a Planning Board meeting, a draft staff report should be completed by noon on the Monday of the week prior to the Planning Board meeting and immediately delivered to the other divisions. The staff report should discuss the non-packager view(s) and opinions and explain why the packager has chosen to recommend a particular course of action. Memos and other supporting information expressing the non-packager position should be included in the staff report as necessary. Staff representing the dissenting view should be present at the Planning Board meeting and be prepared to comment, if requested by the Board.

♦ *Resolving recommendation disputes:*

If a non-packaging staff member believes that a recommendation in the staff report is inappropriate or that the report does not adequately address the non-packager viewpoint, the staff member should take the issue to his/her chief, who will then involve the packaging division chief in the discussions. If the chiefs cannot resolve the dispute, they will call in the director to make the decision.

◆ *Presenting the departmental position:*

In discussions with the community or when responding to questions from the Planning Board, staff members may, of course, present their own views. However, when these views are contrary to those of the staff report, the staff member must make it clear that he/she is not representing the departmental position.

◆ *Graphics for reports and presentations:*

The non-packager division is responsible for the preparation of any graphic material which it wishes to have included in the staff report or presented at a public meeting.

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